# UNITED STATES PATENT AND TRADEMARK OFFICE

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| 09/446,834 | 04/14/2000 | HANS-JOACHIM BECK | 67190/984412 | 2964 |

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| EXAMINER |
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| 2126 | 12 |

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on *30 January 2004*.

2a) ☒ This action is **FINAL**.     2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) *3 and 4* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *3 and 4* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *14 July 2003* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1.    The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

2.    Claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.  Claim 3 details the software tool incorporates at

least some attributes of a first data group of the data groups of the first object into the

second object at a beginning of an access to the second object.  The specification

makes no mention that the software tool incorporates some attributes of a first data

group of the plurality of data groups of the first object into the second object.  At best,

the specification details that there exists an attribute list wherein there exists fields that

correspond with the data groups of an second object instance such that based on the

value of the attributes in the attribute list, an indication is determined as to whether the

corresponding data group is incorporated by the software tool as a modified data group

prior to any modification to that data at the beginning of the access to the second object

or the data group is deposited as a type data group prior to that modification at the

beginning of the access to the second object (pg. 2, line 15 – pg. 3, line 18).  The

specification does not allude to the software tool incorporating some attributes of a first

data group into the second object.  The attributes are used to determine whether the

data group is incorporated into the second object.  Therefore, the limitations in the

claims do not particularly point out and distinctly claim the subject matter that Applicant

regards as the invention.

3.        Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.  Applicant has claimed that the software tool **deposits at least**

**one data group** excluding the first data group of the first object into the second object

so that at the beginning of the access to the second object, the software tool **does not**

**incorporate the at least one of the data groups** of the first object into the second

object.  Webster's dictionary defines deposit as something placed for safekeeping while

incorporate is defined as the act to unite or work into something already existent so as

to form an indistinguishable whole.  Therefore, the claim alludes to the software tool

placing (depositing) one data group into the second object so that at the beginning of

the access to the second object the software tool does not unite (incorporate) the data

group into the second object.  It is the examiner's view that the claim contradicts itself in

that the data group is placed into the second object as well as not being united into the

existent second object.  The act of placing data into an object makes that data a part of

the object, thereby incorporating the data into the object.  As detailed in the prior 112

rejection, the examiner has interpreted the specification to disclose that there exists an

attribute list wherein there exists fields that correspond with the data groups of an

second object instance such that based on the value of the attributes in the attribute list,

an indication is determined as to whether the corresponding data group is incorporated

by the software tool as a modified data group prior to any modification to that data at the

beginning of the access to the second object or the data group is deposited as a type

data group prior to that modification at the beginning of the access to the second object

(pg. 2, line 15 – pg. 3, line 18). Therefore, the specification makes a clear distinction

between the act of incorporating and the act of depositing. Applicant's claiming of the

software tool depositing at least one data group into the second object such that the

software tool does not incorporate the data group into the second object does not read

upon this disclosure because Applicant's claim is vague and indefinite as to what the

distinction consist of between the incorporating and depositing operations, i.e. that the

data group is deposited as a type data group prior to any modification to the data at a

beginning of the access to the second object such that the data group is not

incorporated as a modified data group into the second object. Therefore the claims as

originally disclosed are indefinite and do not particular point out and distinctly claim the

subject matter that regards the invention since the act of depositing and incorporating

have similar functionality such that it is conceivable that the claim step cannot be

performed because it contradicts itself as explained above.

## Claim Rejections - 35 USC § 102

4.     The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.      Claims 3 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by

McDONALD (U.S. Patent 5,822,587).

As to claim 3, McDONALD teaches a programming device (system), comprising:

a software tool (compiler / interpreter) processing objects (parent objects / child objects)

(col. 9, line 65 – col. 10, line 36); a first object (parent object) having data groups

(Facet-type property subgroups) (col. 22, line 58 – col. 23, line 25); and a second object

(child object) having a pointer (link / pointer to parent property values) (col. 25, lines 54-

65), the first object (parent object) being a model for the second object (child object) (in

that the child object inherits the properties of the parent object), wherein the software

tool incorporates at least some attributes (attributes of a subgroup marked as inherited)

of a first data group of the data groups (Facet-type property subgroups) of the first

object (parent object) into the second object (child object) (col. 22, line 58 – col. 23, line

25) at a beginning of an access (attempt to set the value of a property in a child object)

to the second object (child object) (col. 26, lines 26-36) (col. 22, line 58 – col. 27, line

21).


As to claim 4, McDONALD teaches wherein the software tool deposits at least

some of the data groups (Facet-type property subgroups not marked as inherited),

excluding the first data group (Facet-type property subgroup marked as inherited), of

the first object (parent object) into the second object (child object) (col. 26, lines 26-36;

col. 25, line 14-52; col. 23, lines 11-25) so that at the beginning of the access to the

second object (attempt to set the value of a property in a child object), the software tool

does not incorporate the at least one of the data groups (subgroup not marked as

inherited) of the first object (parent object) into the second object (child object) (via

letting the value be set, thereby removing the link to the parent property value) (col. 26,

lines 26-36) (col. 22, line 58 – col. 27, line 21).


## *Response to Arguments*

6.    Applicant's arguments with respect to claims 3 and 4 have been considered but

are moot in view of the new ground(s) of rejection.


## *Conclusion*

7.    Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action, in particular the software tool incorporating at least some attributes of

a first data group of the data groups into the second object.  Accordingly, **THIS ACTION**

**IS MADE FINAL.**  See MPEP § 706.07(a).  Applicant is reminded of the extension of

time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action.  In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (703) 305-0439. The examiner can normally be reached on Monday-Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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